IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 20 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD ELECTRICITY COMPANY LIMITED

Versus

RE-CREATE - THRO' PARTNER NIMESHKUMAR J NIRMAL

Appearance:

1. Appeal from Order No. 20 of 2004

MR KB PUJARA for Appellant No.

MR NIRZAR S DESAI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 04/02/2005

ORAL JUDGEMENT

1. The appellant Company has preferred this appeal from order being aggrieved by the order dated 15/10/2003 passed below notice of motion at exhs.6, 7, 19 & 16 by the learned 2nd Aux. Chamber Judge, Court No.18, City Civil Court, Ahmedabad in Civil Suit No.2550 of 2003.

2. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the consensus arrived at between the parties, the appellant Company is directed not to disconnect the electricity supply of the respondent on the following conditions;

(A) The respondent shall pay the outstanding amount of Rs.90,000.00 (Rupees Ninety thousand only) to the appellant Board in two equal monthly installments. The first installment to be paid on or before 20/02/2005 and the second installment on or before 20/03/2005.

(B) The payment made by the respondent as aforesaid shall be adjusted subject to the final outcome in the suit pending before the trial Court.

(C) If payment made as aforesaid is in excess / deficient than the actual amount to be paid, the same shall be adjusted against the regular bills as per the directions of the trial Court.

3. Accordingly, the impugned order dated 15/10/2003 passed below notice of motion at exhs.6, 7, 19 & 16 by the learned 2nd Aux. Chamber Judge, City Civil Court, Ahmedabad in Civil Suit No.2550 of 2003 is quashed and set aside. The trial Court is directed to expedite the hearing of the suit being Civil Suit No.2550 of 2003. It will be open for the appellant Board to prefer appropriate application before the trial Court for the verification of the Meter by the appropriate authority and to raise all the contentions available under the law and the appropriate authority shall decide the issue in accordance with law after hearing both the sides.

4. With the above directions, this appeal from order stands disposed of.

(K. S. Jhaveri, J.)

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